



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
2 NAVY ANNEX
WASHINGTON, DC 20380-1775

MCO 4000.52A
POS
5 Apr 95

MARINE CORPS ORDER 4000.52A

From: Commandant of the Marine Corps
To: Distribution List

Subj: MARINE CORPS PROCEDURES FOR PROCESSING EXPORT LICENSES

Ref: (a) SECNAVINST 5430.103
(b) International Traffic in Arms Regulations (ITAR), 22
Code of Federal Regulations (NOTAL)
(c) Export Administration Regulations (EAR), 15 Code of
Federal Regulations (NOTAL)

Encl: (1) Export License Request Handling Procedures
(2) Export License Request Questionnaire

1. Purpose. To set forth the procedures for processing export license applications received from the Director, Navy International Programs Office, Export License Division (IPO-20) per reference (a).

2. Cancellation. MCO 4000.52.

3. Background. Department of Defense policy encourages the sale of military equipment to foreign governments while maintaining an acceptable level of technology security. Therefore, subject to overall national policy, foreign purchases from the U. S. Government and industry will be maximized. Sales to foreign governments help establish a favorable balance of payments while serving the foreign policy and national security interests of the United States.

4. Information

a. General. Existing statutes require that the export of a defense article requires a license. The Office of Defense Trade Controls requires information from the military Services in order to make a determination on the license application.

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distribution is unlimited.

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b. Reference (b), Section 123.01, states the following:

(1) "Any person who intends to export....a defense article must obtain the approval of the Office of Defense Trade Controls prior to the export...., unless the export....qualifies for an exemption under the provisions of this subchapter."

(2) "As a condition to the issuance of a license or other approval"; i.e., Memorandum of Understanding or Agreement, "the Office of Defense Trade Controls may require all pertinent documentary information regarding the proposed transaction...."

(3) ".... Provisions for the export....of technical data and classified defense articles are contained in Part 125" of reference (b).

c. The U. S. Munitions List contained in reference (b), Section 121, enumerates defense articles and defense services such as arms, ammunition, and implements of war.

d. The Commodity Control List (CCL) contained in reference (c), Section 799.1, enumerates dual-use (commercial and military) items known as the Strategic List Items.

5. Export license requests are staffed through the Department of the Navy as depicted in enclosure (1). Expeditious processing is critical as OSD desires service responses within twelve days.

6. Action

a. Deputy Chief of Staff for Plans, Policies, and Operations Department (DC/S PP&O) shall:

(1) Staff the export license request to Marine Corps Systems Command (MARCORSYSCOM) (PSL-SA) for appropriate action.

(2) Assist MARCORSYSCOM (PSL-SA) in matters related to export licensing when requested.

(3) Coordinate with DC/S I&L (LPP-2) in the revision of the ITAR when directed by the Department of State.

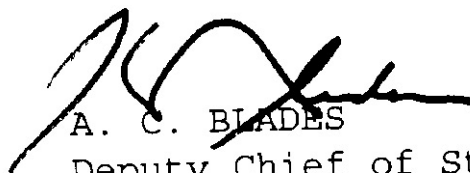
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b. COMMARCORSSYSCOM shall:

(1) Review the export license request and staff to cognizant program office for appropriate action utilizing the format contained in enclosure (2).

(2) Provide the Marine Corps position directly to Navy IPO with a copy to CMC (POS).

7. Reserve Applicability. This Order is not applicable to the Marine Corps Reserve.

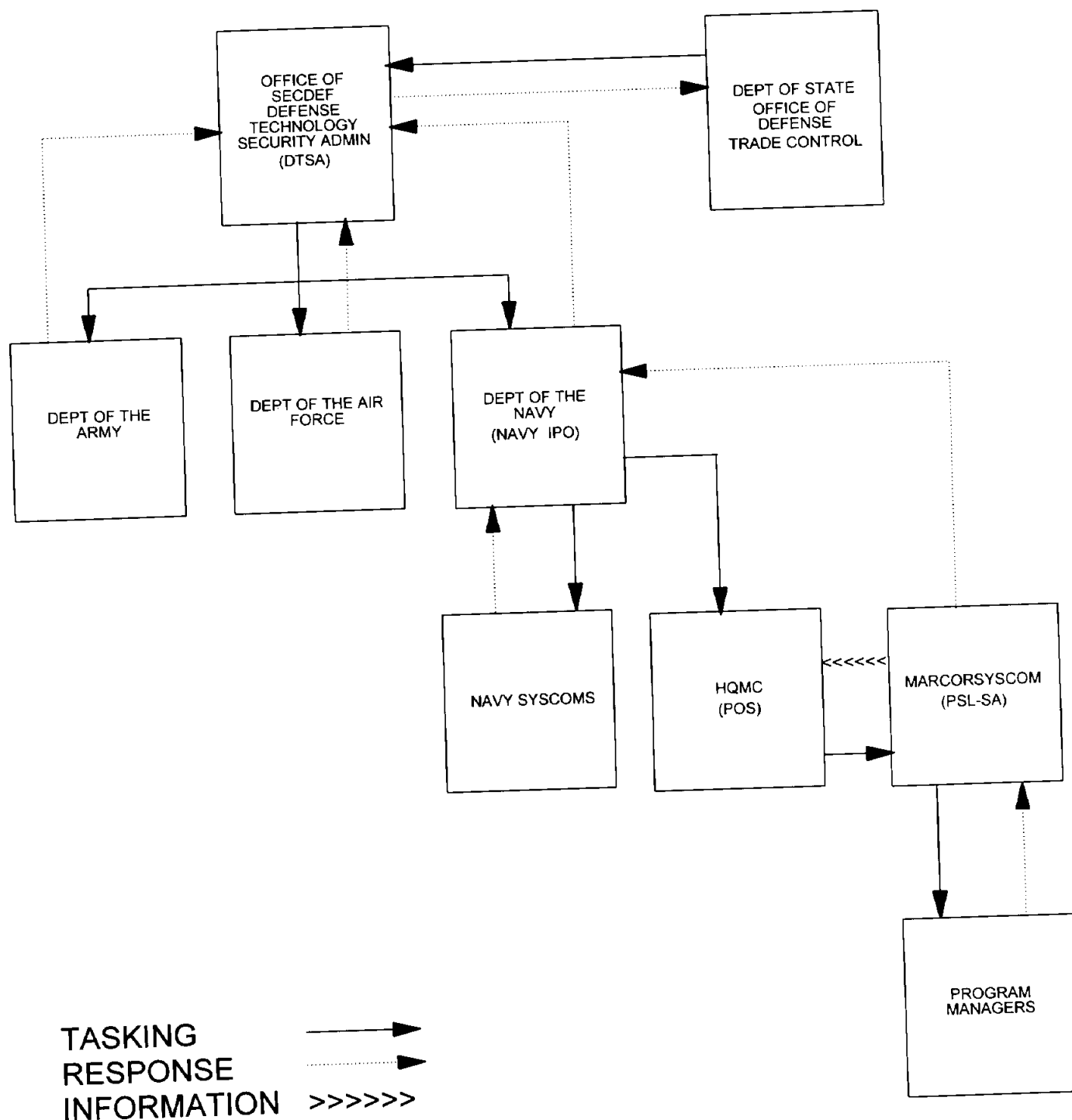


A. C. BLADES
Deputy Chief of Staff
for Plans, Policies and Operations

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EXPORT LICENSE REQUEST HANDLING PROCEDURES



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EXPORT LICENSE REQUEST QUESTIONNAIRE

Case # _____ PM/DIR: _____

Item(s) to be exported _____ Country: _____

Name of PM/Dir of Assigned Action Code Phone
Officer

Release of technical data is implicit authorization for subsequent sale of the applicable technology or hardware. Denial of an export license must withstand the scrutiny of State Department and Defense Department reviewers, and requires detailed justification. Please make use of "provisos" if you concur with the overall request but want to disapprove certain elements.

1. Is leading edge, state-of-the-art or critical military technology involved in this request (circle one)? YES or NO
If YES, please elaborate.

2. Does your office have cognizance over the item(s), technical data or related technology contained in the request (circle one)? YES or NO If NO, who does (NAVAIR, U. S. Army, Naval Research Lab, etc.)?

3. Is there similar technology contained in other Marine Corps programs or equipment (circle one)? YES or NO If YES, please elaborate.

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4. Is the item(s) or information (technical data, computer software, etc.) relating to the item(s) classified (circle one)? YES or NO

- YES, provide security classification guide or define classification level for each of the following: hardware, operational parameters, vulnerabilities to countermeasure/counter-countermeasure (CM/CCM), maintenance manuals/information/documentation, training.

- NO, should it be and why?

5. If this case resulted in the sale of the equipment described, would classified information or technical data be required to operate or maintain the equipment (circle one)? YES or NO
If YES, what classification would be required for release? If the equipment were purchased and exported, what level of classified information could be derived?

6. Is the item(s) currently fielded (circle one)? YES or NO

7. Is the item(s) currently in research and development (R&D) or is the item(s) related to an existing R&D program (circle one)? YES or NO

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8. Would it be advantageous to the United States for the country of destination to adopt the equipment (circle one)? YES or NO
Please explain (examples of advantages are equipment commonality with allies, increased production runs that reduce Marine Corps per unit costs, foreign payment of production start-up costs on new items, etc. Please explain (examples of disadvantages are technology not widely available, no effective countermeasures have been developed, etc.)).

9. Are there any other considerations pertinent to this case that are not included in these criteria (circle one)? YES or NO
If YES, what?

10. Do you recommend the item(s) (or level of technology) be approved for support to the country indicated (circle one)?
YES or NO If NO, provide detailed rationale.

11. Should provisos be required for conditional approval (circle one)? YES or NO If YES, please elaborate.

12. Additional comments:

Signature

Date

ENCLOSURE (2)